

FEB 23 1976

OFFICE OF THE CLERK
SUPREME COURT, U.S.

BUENA HARRIS,)
PETITIONER-APPELLANT)
VS.)
JEROME H. VOSE)
WARDEN,)
STATE OF TENNESSEE,)
APPELLEE-RESPONDENT)

CIVIL NO.

73-6265

HERMAN DAVIS, WARDEN, RESPONDENT OF
CUSTODY

CAPTIONED

PETITIONER A WRIT FOR CERTIORARI

APPEALING

OF CASE NO. 1500-8749 FROM THE U.S. COURT OF APPEALS FOR THE 6TH CIRCUIT
COURT OF APPEALS, CINCINNATI, OHIO

MOTION

THE COURT TO PROCEED IN FORMA PAUPERIS

PETITIONER STATES EXHIBITS IN PETITION: EXHIBITS ATTACHED AS NO. 1, NO. 2, NO. 3,
NO. 4, NO. 5, NO. 6, NO. 7, NO. 8, NO. 9, NO. 10

STATE OF TENNESSEE

STATEMENTS OF FACTS

- 1) PET CARR DID LEGALLY APPEAL HIS CASE , NO. B334 , DAVIDSON COUNTY (CRIMINAL) COURT. THIS CASE WAS FILED AS CASE NO. 74-388-NA-CU, IN THE U.S. DISTRICT COURT, NASHVILLE, TENN.
- 2) THIS CASE, NO. 74-388-NA-CU, WAS DISMISSED BY U.S. JUDGE FRANK GREY, JR., DATE 9-5-1974.
- 3) THIS ORDER OF DISMISSAL IN THIS CASE NO. 74-388-NA-CU IS ATTACHED AND ENTERED AS EXHIBIT NO. 1, THE STATEMENT MADE IN THIS ORDER IS NOT UNDERSTANDABLE OR ADEQUATE. STATEMENT SUCH AS FOLLOWS:
 - A) PETITIONER DID STATE WHERE THIS CONVICTION OCCURED
 - B) PETITIONER DID STATE WHAT CASE NO. THIS WAS
- 4) PETITIONER DID CERTIFY BY MAIL THIS APPEAL OF CASE NO. B334, DAVIDSON COUNTY (CRIMINAL) COURT TO THE DISTRICT COURT, CERTIFICATION NO. 815916, DATE 7-15-74, BY THIS ORDER OF DISMISSAL THE COURT DID NOT RECEIVE THE FORM OR PETION IN THE SAME FORM AS IT WAS WHEN THE PETITIONER MAILED IT.
- 5) PETITIONER ENTERS EXHIBIT NO. 2 , CAPTIONED SWORN AFFIDAVIT, TO SHOW WHERE THE TIMELY NOTICE OF APPEAL WAS LEGALLY GIVEN TO AN AUTHCRATATIVE PERSON TO BE MAILED TO THE U.S. COURT.
- 6) PETITIONER ENTERS EXHIBIT NO. 3,4,5 TO THIS PETION. EXHIBIT NO. 4 SHOW WHERE A BRIEF

WAS RETURNED.. THIS BRIEF WAS CERTIFIED AND AN ADDITIONAL STAMP WAS PLACED ON THIS BRIEF BY ASSIGNED PRISON COUNSELOR, MR. WALLER. PETITIONERS PERSONAL RECEIPT SHOWS THE NO. 991656 AS THE CERTIFICATION NO. THIS BRIEF WAS NOT CERTIFIED AT ALL AND THE SUPPOSEDLY ADDITIONAL POSTAGE WAS NOT USED. PLAIN MAIL FRAUD BY THIS..PETITIONER DENIED DUE PROCESS OF LAW.

7) THIS ORDER OF DISMISSAL IN CASE NO. 75-254-NA-CU IS ACCORDINGLY THE SAME AS THE ORDER OF DISMISSAL IN CASE NO. 74-388-NA-CU, THIS CASE NO. 75-254-NA-CU ARISES ACCORDINGLY TO THE ORDER OF DISMISSAL IN CASE NO. 74-388-NA-CU. PETITIONER FILES THIS MOTION FOR A NEW TRIAL OR DISMISSAL IN CASE NO. 75-254-NA-CU CAUSE OF THE ORDER SUCH AS IT WAS ORDER IN CASE NO. 74-388-NA-CU. THEN WHEN THE ORDER WAS HANDED DOWN BY THE HONORABLE COURT IN CASE NO. 75-254-NA-CU THE SAME SITUATION HAPPENED OR OCCURED. THEY DIDN'T OR COULDN'T HAVE RECEIVED THE PETITION IN THE FORM AS IT WAS SENT TO THE COURT, ACCORDINGLY.

8) PETITIONER WILL ENTER ORDER IN CASE NO. 75-254-NA-CU AS EXHIBIT NO. 6.

9) PETITIONER WILL ENTER THE DENIAL OF HIS NOTICE OF APPEAL IN CASE NO. 75-254-NA-CU AS EXHIBIT NO. 7.

10) PETITIONER WILL ENTER THIS SPECIFIC STATEMENT FROM MR. FRANK B. JARRELL, SECTION CHIEF, DIRECTOR-SUPPORT FOR THE POST-MASTER AT NASHVILLE, TENN. AS EXHIBIT NO. 8. NOTHING HAS BEEN HEARD FROM THIS STATEMENT LATER DATE.

11) EXHIBIT NO. 9 ENTER TO PETITIONER CAPTIONED. CERTIFICATE A PROBABLE CAUSE IN CASE NO. 75-254-NA-CU.

**** CONSTITUTIONAL RIGHTS VIOLATED ****

FILED IN CASES NO.'S 74-388-Na-CU AND 75-254-Na-CU.

- 1) PETITIONER REQUESTED TO BE TRIED IN A CIVILIAN SUIT INSTEAD OF A 'SC CALLED' PRISON UNIFORM. THIS RIGHT WAS DENIED WITHOUT REASON OR LEGAL GROUNDS. PETITIONER WAS TRIED IN A BLUE SHIRT, SIZE LARGE. PETITIONERS' SIZE IS SMALL... THIS SHIRT DID HAVE WHITE PAINT ON IT. TRIED IN BLUE PANTS, SIZE 36. PETITIONERS' SIZE IS 30... PETITIONER WAS NOT PERMITTED TO SHAVE THE DAY OF THE TRIAL. PETITIONER WAS GIVEN DOPE IN HIS FOOD THE MORNING OF HIS TRIAL BY GUARD HARDY.
- 2) PETITIONER WAS DENIED THE RIGHT TO MAKE A PUBLIC PHONE CALL DURING THE TIME HE WAS BEING BOOKED AND CHARGED.
- 3) PETITIONERS RIGHT FOR A FAST AND SPEEDY TRIAL WAS DENIED WITHOUT A LEGAL CAUSE OR REASON, SUCH AS FOLLOWS :
 - a) THE PETITIONERS TRIAL WAS DELAYED FOR THE REASON THAT THE EXAMINING PHYSICIAN WAS GOING TO BE OUT OF TOWN DURING THE TIME THE TRIAL WAS PREVIOUSLY SET. THE DEFENSE WAS WILLING AND REQUESTED THAT A STATEMENT FROM THE PHYSICIAN OR THE PHYSICIANS STUFF WOULD BE ACCEPTABLE IF THEY COULD PROCEED AS SCHEDULED. AT THE TIME THE COURT WOULD NOT ACCEPT THE REQUEST AND DELAYED THE TRIAL. BY THIS STATEMENT OR REPORT FROM THE EXAMINING PHYSICIAN OR HIS STUFF WOULD HAVE BEEN SUFFICIENT IN ANY COURT.

4) PETITIONER DIDN'T RECEIVE PROPER AND ADEQUATE COUNSELING FROM HIS COURT APPOINTED PUBLIC DEFENDERS, BY MEANS AS FOLLOWS :

- A) THE DEFENSE LAWYERS MADE NO KIND OF DEFENSE IN THIS CASE. THEY REFUSED TO EVEN TALK TO THE DEFENSE WITNESSES.
- B) NO COMMUNICATION BEFORE TRIAL WITH DEFENDANT BY ATTORNEY, BY MAIL OR IN PERSON.
- C) DELIBERATELY, UNLAWFULLY COMMUNICATED WITH STATE INFORMER BY ATTORNEYS OR DEFENSE ATTORNEY WITHOUT DEFENDANT KNOWING OF SUCH.
- D) DEFENSE ATTORNEY APPEALED THE CONVICTION WRONGFULLY, DELIBERATELY, UNLAWFULLY. BY THIS HE DEFEAMED HIMSELF OF HIS PROFESSION.
- E) THE DEFENSE ATTORNEY DELIBERATELY TOOK 23 DAYS OVER THE TIME THE LAW REQUIRED TO APPEAL THIS CASE FROM THE CRIMINAL COURT TO THE APPELLATE COURT WITHOUT REASONS, CAUSE, OR LEGAL GROUNDS.

CONCLUSION

BY THIS TYPE OF COUNSELING RECEIVED BY THE DEFENDANT, HE WAS CHARGED AND FAILED TO BE GRANTED A NEW TRIAL OR HIS APPEAL. BY THIS THE DEFENDANT WAS DENIED HIS INDIVIDUAL RIGHTS AND RESTRAINED OF HIS LIBERTY . BY THIS OR THE VIOLATION OF THE PETITIONERS CONSTITUTIONAL RIGHTS AS SHOWN HERE, THE DEFENDANT OR THE PETITIONER THINKS HE SHOULD BE ENTITLED TO A NEW TRIAL OR DISMISSAL OF SENTENCE FROM THE CONVICTIONS.

SWORN AFFIDAVIT

I, EUGENE HARRIS, MAKE OATH ON DATE 10-2-1976 THAT HE DID GIVE A SEAL AND
STAMPED LETTER WHICH ENCLOSED WITHIN IT WAS A NOTICE OF APPEAL IN CASE NO.
7A-382-NA-CU TO A ROBERT CHILDRESS, HEAD OF COUNSELING TO MAIL TO THE UNITED
STATES DISTRICT COURT , MIDDLE DISTRICT FOR TENNESSEE, AT NASHVILLE, TENN.

RESPECTFULLY SUBMITTED

Eugene Harris
EUGENE HARRIS/ EUGENE HARRIS

SWORN TO ME AND SUBSCRIBED BEFORE ME THIS DATE 18 OF

FEBRUARY, 1976.

Garrett H. McPhee
NOTARY PUBLIC

MY COMMISSION EXPIRES Sept 25, 1977.

STATE OF TENNESSEE

Co. 7 Morgan

AFFIDAVIT OF POVERTY

I, EUGENE HARRIS, MAKE OATH THAT HE IS UNABLE TO PAY COST OF COMMENCEMENT UNDER SAID PETITION & WRIT FOR CERTIORARI AND UNABLE TO GIVE SECURITY. THEREFORE PETITIONER THINKS HE IS ENTITLED TO THE REDRESS HE SEEKS IN THIS CIVIL

CASE.

EUGENE HARRIS

I, EUGENE HARRIS, AM OF SOUND MIND AND LEGAL AGE.

EUGENE HARRIS

RESPECTFULLY SUBMITTED

EUGENE HARRIS / EUGENE HARRIS

WROTE TO ME AND SIGNED BEFORE ME THIS 18 DAY OF FEBRUARY, 1976

Karen W. McRae
NOTARY PUBLIC

MY COMMISSION EXPIRES 9/25/77

I, EUGENE HARRIS, HEREBY CERTIFY THAT ALL THIS CONTAINED INFORMATION IS TRUE TO THE BEST OF MY ABILITY, KNOWLEDGE, AND BELIEFS.

STATE OF TENNESSEE

EUGENE HARRIS

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JAN 29 1978

JOHN P. HEHMAN, Clerk

EUGENE HARRIS,

Petitioner-Appellant,

v.

JIMMY H. ROSE, WARDEN,

Respondent-Appellee

O R D E R

Upon consideration of petitioner's motion for a new trial and construing said motion for an application for a Certificate of Probable Cause pursuant to Rule 22 of the Federal Rules of Appellate Procedure,

It is ORDERED that the application be and it hereby is denied.

ENTERED BY ORDER OF THE COURT


John P. Hehman, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RECEIVED FOR ENTRY

FILED IN U.S. DISTRICT COURT
CLERK

EUGENE HARRIS

]

BY

Deputy Clerk

VS.

]

NO. 75-388-NA-CV

JIMMY H. ROSE, Warden,
Tennessee State Penitentiary

]

ORDER

The clerk will file the petition of Eugene Harris in forma pauperis. If the document submitted by the petitioner, an inmate of the Tennessee State Penitentiary, is a petition for the writ of habeas corpus, as this court assumes, it does not state any grounds for relief. In one of the previous cases brought by this petitioner, Harris v. Rose (N.D. 74-388-NA-CV), this court, on September 5, 1974, entered an order denying relief, which Order is apparently applicable to the petition at bar.

Incidentally, the petition at bar is entitled "Appeal of (Crim) Case No. B334 from the Courts of the State of Tennessee." He attaches a document showing that, in June, 1974, the Supreme Court of Tennessee denied his petition for a writ of certiorari to the Court of Criminal Appeals in Davidson County Case No. B-334. This is the same document referred to in the Order of September 5, 1974, in Case No. 7-186. A copy of that Order is attached hereto as an Appendix.

No meritorious grounds for relief being shown, the action must necessarily be DISMISSED. Judgment will enter accordingly.

Paul Ray

A P P E N D I X

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

EUGENE HARRIS

}

VS.

}

NO. 74-388-NA-CV

JIMMY H. ROSE, Warden,
Tennessee State Penitentiary

}

O R D E R

The clerk will file the petition of Eugene Harris for the writ of habeas corpus in forma pauperis.

The document sent in by this petitioner is not intelligible. It does appear that he claims that his conviction, wherever it occurred, was void because he didn't have competent counsel or an impartial jury. There are other statements made in the petition which do not appear to have anything to do with a petition for writ of habeas corpus. It also appears that he is asserting that, on some appeal, the bill of exceptions was not timely filed. It does not appear in what action this occurred. There is attached to the petition a card from the Clerk of the Supreme Court of Tennessee showing that, in June, 1974, in the case of Eugene Harris v. State of Tennessee, a petition for the writ of certiorari was denied. Apparently, in whatever case this was, the appellate courts passed on it.

The court finds itself unable to say that the vague statements in the petition constitute any grounds for habeas corpus action. Accordingly, the petition is DENIED and the action DISMISSED.

John H. [Signature]
CLERK

JOHN P. HEHMAN
CLERK

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
CINCINNATI, OHIO 45202

FEB 23 1975
OFFICE OF THE CLERK
SUPREME COURT, U.S.

October 30, 1974

Mr. Eugene Harris
218605
Station A Unit 1
Nashville, Tennessee

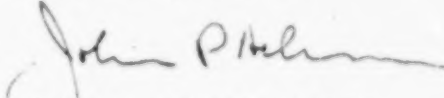
Dear Mr. Harris:

We are in receipt of a document which you apparently intend to be a brief in this Court.

Please be advised that the jurisdiction of this Court is limited to the consideration of appeals from final judgments entered in United States District Courts within this circuit. An appeal is perfected by filing a timely notice of appeal in the District Court in which the final judgment was entered.

Since it appears that we are without jurisdiction in this matter, I am returning herewith the document recently forwarded to us.

Very truly yours,


John P. Hehman, Clerk

JPH:dk

Enclosure

JOHN P. HEHMAN
CLERKUNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
CINCINNATI, OHIO 45202

January 31, 1975

Mr. Eugene Harris
#48605
Station A
Nashville, Tennessee 37203

Re: Eugene Harris v. State of Tennessee
(Undocketed Appeal)
Dist. Ct. No. 74-388-NA-CV, N.D. Tenn.,
Nashville Div.

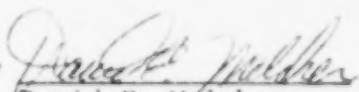
Dear Mr. Harris:

We have received your correspondence entitled "Motion for a New Trial or Dismissal." Please be advised that the jurisdiction of this Court is limited to the consideration of appeals from final judgments entered in the U.S. District Courts within this Circuit. An appeal is perfected by timely filing a notice of appeal with the District Court in which the final judgment was entered and from which the appeal is taken. Since in your matter a timely notice of appeal has not been filed, we are unable to respond to your request. Accordingly, I must return your correspondence herewith.

Very truly yours,

John P. Hehman, Clerk

By


David E. Melcher

Encl.

June 18, 1975

Mr. Eugene Harris
48605, Station "A"
Nashville, TN 37203

The matter mentioned in your letter of June 4, 1975 is being given appropriate attention by this office.

The return receipt for Certified Letter No. 991656 is enclosed.

Frank B. Jarrell

FRANK B. JARRELL
Sectional Center Director - Support

for Postmaster
Nashville, TN 37202

Enclosure

FRANK E. WILLIAMS
CLERK

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE 37203

November 13, 1975

Mr. John P. Hehman
Clerk
U. S. Court of Appeals
for the Sixth Circuit
Cincinnati, Ohio 45202

Re: Eugene Harris
v
Jimmy H. Rose, Warden
Tennessee State Penitentiary
Civil No. 75-254-NA-CV

Dear Mr. Hehman:

Enclosed is the certified Record of Application
for Certificate of Probable Cause in the above civil action.

Very truly yours,

FRANK E. WILLIAMS, CLERK

By: Joyce Merritt
Deputy Clerk

Enclosure

cc: (w/ Copy of Clerk's Certificate and Docket Entries)

Mr. Eugene Harris
Station A, West
Nashville, Tennessee 37203

Mr. Robert Morford, Acting Warden
Tennessee State Penitentiary
Nashville, Tennessee 37203

Mr. Ray Ashley
Attorney General
State of Tennessee
Supreme Court Building
Nashville, Tennessee 37219

CLOSED

PLAINTIFFS

DEFENDANTS

EUGENE HARRIS

JIMMY H. ROSE, Warden
Tennessee State Penitentiary

CAUSE

Petition for writ of habeas corpus; filed in forma pauperis

ATTORNEYS

Plaintiff:

Eugene Harris (Pro Se)

Defendant:

Ray Ashley, Attorney General
State of Tennessee
Supreme Court Building
Nashville, Tennessee 37219

FILING RECEIVED

FILED

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KORLA
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FILED

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FILED

7/16/75

7/16/75

UNITED STATES DISTRICT COURT

BEST COPY AVAILABLE

/16/75 Entered: Order the clerk will file petition in forma pauperis; no meritorious grounds for relief being shown, the action must necessarily be dismissed. Judgment will enter accordingly,. Copy to petitioner and State Attorney General.

7/16/75 Entered: Judgment...judgment of the court that the action be dismissed. Copy to petitioner and State Attorney General.

16/75 Filed: Petition for writ of habeas corpus. (Copy to State Atty. Gen.)

-5-75 Filed: Notice of Appeal.

-5-75 Entered: Treating the document submitted as a motion for leave to proceed in forma pauperis with an appeal and for a certificate of probable cause, it must be DENIED. Any appeal would be frivolous and without merit. It is so ORDERED. Copies plaintiff and Ray Ashley, Atty. General.

11-13-75 Certified Application for a Certificate of Probable Cause mailed to the 6th Circuit Court of Appeals, copies of clerk's certificate and docket entries to attorneys of record and Eugene Harris

A TRUE COPY

WILLIAM
DistrictU.S. District Court
District of Columbia*[Handwritten signature]*

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

EUGENE HARRIS)	
Petitioner-Appellant)	
)	
)	
)	
v.)	CASE NO. 75-254-NA-CV
)	
)	
JIMMY H. ROSE, Warden,)	
Tennessee State Penitentiary)	
Respondent-Appellee)	

CLERK'S CERTIFICATE AND INDEX OF RECORD

I, Frank E. Williams, Clerk of the United States District Court for the Middle District of Tennessee, do hereby certify that the papers transmitted herewith and enumerated below, comprise the Application for a Certificate of Probable Cause by a Circuit Judge pursuant to the provisions of Section 22(G) of the Rules of Appellate Procedure, as Amended through March 15, 1975, in the above-entitled action:

1. Order dated July 16, 1975.
2. Petition for Writ of Habeas Corpus in forma pauperis filed July 16, 1975.
3. Order of Judgment entered July 16, 1975.
4. Notice of Appeal by Petitioner filed August 5, 1975.
5. Order dated August 5, 1975, denying the Application by Petitioner for Leave to Proceed in forma pauperis with an appeal and for a Certificate of Probable Cause.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of aforesaid Court at Nashville, Tennessee, this 14th day of November, 1975.

FRANK L. WILLIAMS, CLERK

BY:


Deputy Clerk

FOR PETITIONER-APPELLANT:

Mr. Eugene Harris
Station A, West
Nashville, Tennessee 37203

FOR RESPONDENT-APPELLEE:

Mr. R. A. Ashley, Attorney General
State of Tennessee
Supreme Court Building
Nashville, Tennessee 37219

JOHN P. HEHMAN
CLERK

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
CINCINNATI, OHIO 45202

FEB 23 1976
OFFICE OF THE CLERK
SUPREME COURT, U.S.

February 12, 1976

75-6265

Mr. Eugene Harris #48605
Brushy Mountain Penitentiary
Petros, Tennessee 37845

Re: Case No. 75-8249 - Eugene Harris v.
Jimmy Rose

Dear Mr. Harris:

We have received your handwritten document
entitled "Notice of Appeal" in the above styled case.

If it is your intent to apply for a writ
of certiorari your document must be submitted to the
Supreme Court of the United States. Accordingly, we
are returning your document to you herewith.

Very truly yours,

John P. Hehman
Clerk

JPH:pe

RECEIVED

FEB 11 1976

JOHN P. HEHMAN, Clerk

EUGENE J. JAMES
APPELLANT
vs.
MICHIGAN STATE BAR

UNITED STATES
DISTRICT COURT
FOR THE EAST DISTRICT
OF MICHIGAN

WHEREFORE IS A NOTICE
OF APPEAL IN
MICHIGAN STATE BAR
vs. EUGENE J. JAMES
CASE NO. 15-254, M.C.

APPEAL PETITIONING THE
UNITED STATES DISTRICT
COURT.

U.S. DISTRICT COURT FOR THE EAST DISTRICT
OF MICHIGAN

ENCLOSE A

SUBORDINATE AFFIDAVIT

STATE OF MICHIGAN

~~THE COURT HAS NOT YET~~
~~RECEIVED THE AFFIDAVIT~~

Respectfully,
Eugene J. James

BEST COPY AVAILABLE